



March 23, 2005

---

---

# ENGROSSED

## SENATE BILL No. 303

---

DIGEST OF SB 303 (Updated March 21, 2005 5:55 pm - DI 107)

**Citations Affected:** IC 33-33.

**Synopsis:** Marion superior court. Permits a party to a Marion superior court proceeding that has been assigned to a magistrate to request that a judge of the superior court preside over the proceeding instead of the magistrate only if the party makes the request within a specified time period. Strikes a provision that limits the salary of the Marion superior court administrator to not more than 80% of the salary of a superior court judge.

**Effective:** July 1, 2005.

---

---

**Clark**

(HOUSE SPONSORS — BUELL, PORTER)

---

---

January 6, 2005, read first time and referred to Committee on Judiciary.  
February 10, 2005, amended, reported favorably — Do Pass.  
February 14, 2005, read second time, ordered engrossed.  
February 15, 2005, engrossed. Read third time, passed. Yeas 47, nays 1.  
HOUSE ACTION  
March 7, 2005, read first time and referred to Committee on Judiciary.  
March 22, 2005, reported — Do Pass.

---

---

C  
o  
p  
y

ES 303—LS 7043/DI 69+



March 23, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 303

---

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 33-33-49-32 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 32. (a) In addition to  
3       the magistrate appointed under section 31 of this chapter, the judges of  
4       the superior court may, by a vote of a majority of the judges, appoint  
5       four (4) full-time magistrates under IC 33-23-5.

6       (b) Not more than two (2) of the magistrates appointed under this  
7       section may be of the same political party.

8       (c) The magistrates continue in office until removed by the vote of  
9       a majority of the judges of the court.

10       (d) A party to a superior court proceeding that has been assigned to  
11       a magistrate appointed under this section may request that an elected  
12       judge of the superior court preside over the proceeding instead of the  
13       magistrate to whom the proceeding has been assigned. **A request**  
14       **under this subsection must be in writing and must be filed with the**  
15       **court:**

16               **(1) in a civil case, not later than:**

17                       **(A) ten (10) days after the pleadings are closed; or**

ES 303—LS 7043/DI 69+



C  
o  
p  
y

1           **(B) thirty (30) days after the case is entered on the**  
 2           **chronological case summary, in a case in which the**  
 3           **defendant is not required to answer; or**  
 4           **(2) in a criminal case, not later than ten (10) days after the**  
 5           **omnibus date.**

6           Upon a **timely** request made under this subsection by either party, the  
 7           magistrate to whom the proceeding has been assigned shall transfer the  
 8           proceeding back to the superior court judge.

9           SECTION 2. IC 33-33-49-33 IS AMENDED TO READ AS  
 10          FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 33. (a) The executive  
 11          committee elected under section 14 of this chapter shall employ a court  
 12          administrator to administer the business activities of the court. A court  
 13          administrator is subject to rules of the court and oversight by the  
 14          executive committee.

15          (b) The salary of the court administrator shall be set by the  
 16          executive committee. ~~but may not be more than eighty percent (80%)~~  
 17          ~~of the salary of a superior court judge.~~

**C**  
**O**  
**P**  
**Y**



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 303, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, reset in roman lines 10 through 12.

Page 1, line 13, reset in roman "magistrate to whom the proceeding has been assigned."

Page 1, line 13, after "assigned." insert **"A request under this subsection must be in writing and must be filed with the court:**

**(1) in a civil case, not later than:**

**(A) ten (10) days after the pleadings are closed; or**

**(B) thirty (30) days after the case is entered on the chronological case summary, in a case in which the defendant is not required to answer; or**

**(2) in a criminal case, not later than ten (10) days after the omnibus date."**

Page 1, line 13, begin a new line blocked left and reset in roman "Upon a".

Page 1, line 13, after "a" insert **"timely"**.

Page 1, line 13, reset in roman "request".

Page 1, reset in roman lines 14 through 16.

and when so amended that said bill do pass.

(Reference is to SB 303 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

C  
o  
p  
y



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 303, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

FOLEY, Chair

Committee Vote: yeas 9, nays 0.

**C  
o  
p  
y**

